

THE HON. MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MEDZILLA, INC.,

Plaintiff,

No. CV06-0506-MJP

v.

SCISTAFF SERVICES LLC, a New Jersey
limited liability company;
LEADINGSCIENCE.COM, a Massachusetts
sole proprietorship; S.J. McKEARNEY,
INC., a Massachusetts corporation; and
SCOTT McKEARNEY, an individual,

Defendants.

**ORDER ON MOTIONS TO DISMISS
FOURTH PARTY COMPLAINT AND
MODIFY SCHEDULING ORDER**

S. J. McKEARNEY, INC., a Massachusetts
corporation,

Third-Party Plaintiff,

v.

SCISTAFF SERVICES, LLC, a New Jersey
limited liability company,

Third-Party Defendant.

The Court has received and reviewed the Amended Motion to Dismiss Fourth Party
Complaint Against Scott McKearney (Dkt. No. 82) and Scistaff's Motion to Modify
Scheduling Order and Compel Rule 16(b) and 26(f) Conferences (Dkt. No. 90), and all

1 responsive pleadings, exhibits and declarations. The Court rules as follows:

2 IT IS ORDERED that the motion to dismiss the fourth party complaint is DENIED.

3 IT IS FURTHER ORDERED that the parties are to meet and confer pursuant to FRCP
4 16(b) and 26(f) and file a revised Joint Status Report with the Court by no later than **January**
5 **7, 2008** which suggests any modifications to the current case schedule that the parties deem
6 appropriate.

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8 DATED this 10th day of December, 2007.

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11 /s/ Marsha J. Pechman
12 Hon. Marsha Pechman
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DECLARATION OF SERVICE

I, Taunja VanderVaate, hereby make the following Declaration from personal knowledge: On October 19, 2007, I presented the attached document to the Clerk of the Court for filing and uploading to the CM/EFC system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to the following attorneys:

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I HEREBY DECLARE UNDER PENALTY OF PERJURY under the laws of the United States of America and the State of Washington that the foregoing is true and correct.

EXECUTED this 19th day of October, 2007, at Seattle, Washington.

/s/ Taunja C. VanderVaate
Taunja C. VanderVaate